**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**

**WRIT PETITION NO : 14089 of 2005**

Between:

A.V.R.K.Kumar S/o.Suryanarayana Rao
D.No.12-4-4, Maharanipeta Visakhapatnam,

Visakhapatnam District.

**..... PETITIONER**

AND

1 The Regional Joint Commissioner,

Endowments Department, Kakinada East Godavari District.
2 The Dy.Commissioner of Endowments,

Visakhapatnam.
3 Sri Ambicabagh Temple,

rep by its Manager,

Maharanipeta, Visakhapatnam

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the 2nd respondent in seeking to evict the petitioner from the house bearing D.No.12-4-4 in T.S.No.106, Block No.2, Maharanipeta, Visakhapatnam with plinth area of 4320 sq.feet forming part of site of 7212 Sq.Yards belonging to 3rd

respondent without passing any orders on the stay petition submitted by the petitioner along with the revision preferred by the petitioner before the 1st respondent against the orders of the 2nd respondent without following due process of law is illegal, arbitrary and violative of principles of natural justice etc., and consequently direct the respondents not to interfere with the petitioners rights and possession over the said house in any manner by execution of the orders in O.A. 18/2002 on the file of the 2nd respondent.

**Counsel for the Petitioner: Mr. N.V.ANANTHA KRISHNA**

**Counsel for the Respondent Nos. 1 & 2: GP FOR ENDOWMENTS**

**Counsel for the Respondent No.3 :Smt. N.INDRANI.**

**The Court, at the stage of admission, made the following :**

**ORDER:**

By an order dated 31-03-2005 the 2nd respondent declared the petitioner an encroacher on the lands of Ambicabagh temple, Maharanipet, Visakhapatnam and directed his eviction. Aggrieved, the petitioner preferred an appeal to the 1st respondent on 18-04-2005 under Section 90 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for brevity, "the Act"). Along with the appeal, he filed an application seeking interim stay of the order of the 2nd respondent.

2. The petitioner's grievance is, and a short grievance it is in this Writ Petition, that while the appeal as well as his application for interim relief are pending before the 1st respondent, the 2nd respondent is actively out to dispossess him on the basis of the order dated 31-03-2005.

3. In the aforesaid circumstances, having heard the learned counsel for the petitioner and the learned Government Pleader for Endowments, the Writ Petition is disposed of directing the respondents to forbear from dispossessing the petitioner from the disputed property, which is the subject matter of an appeal before the 1st respondent, till the 1st respondent disposes of the interlocutory application of the petitioner filed along with the appeal on 18-04-2005. The 1st respondent is directed to dispose of the stay application of the petitioner expeditiously and in any event within a period of ten days from the date of receipt of a copy of this order, without fail.

Nothing in this order is an impression on the merits of the petitioner's appeal.

4. Accordingly, the Writ Petition is disposed of.

_____

**(GODA RAGHURAM,J)**

1st July, 2005.

Tsy

To

1 The Regional Joint Commissioner,

Endowments Department, Kakinada East Godavari District.

2 The Dy.Commissioner of Endowments,

Visakhapatnam.

3 Two CCs to the GP for Endowments,

High Court of A.P., Hyderabad (O.U.T.)

4 Two CD copies.